

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17-cv-343-FDW**

DARRYL BOYD ADKINS, )  
Plaintiff, )  
vs. )  
FNU MARTIN, et al., )  
Defendants. )

**THIS MATTER** is before the Court on Plaintiff's *pro se* "Motion of Default Judgment (3<sup>rd</sup>) Time Against Defendant Waiver of Service," (Doc. No. 29).

Plaintiff has repeatedly sought default judgment and the Court has explained in detail why no default has occurred. See (Doc. Nos. 26, 28). The instant Motion will be denied for the same reasons.

Plaintiff also seeks other miscellaneous relief in the Motion. For instance, Plaintiff seeks a settlement conference via video, costs of this action, and an Order precluding Defendant from filing any responses.<sup>1</sup> This case is exempt from an initial attorney's conference pursuant to Rule 26 of the Federal Rules of Civil Procedure because Plaintiff is a prisoner. Fed. R. Civ. P. 26(a)(1)(B), (f)(1). The Court finds that this case is not suitable for Alternative Dispute Resolution. See LCvR 16.2(b). Therefore, to the extend Plaintiff seeks an initial conference or Alternative Dispute Resolution, this request will be denied. Plaintiff's request for costs is premature. Plaintiff's request that Defendant be precluded from filing responses is frivolous and will be denied.

<sup>1</sup> Any request for relief not specifically addressed in this Order is denied.

Plaintiff is cautioned to cease filing motions that are duplicative of motions that have already been filed and denied, without raising any new grounds for relief. These frivolous filings detract from any potentially meritorious claims and unduly burden the Court.

**IT IS THEREFORE ORDERED** that Plaintiff's "Motion of Default Judgment (3<sup>rd</sup>) Time Against Defendant Waiver of Service," (Doc. No. 29), is **DENIED**.

Signed: September 18, 2018



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Frank D. Whitney  
Chief United States District Judge

